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HOME DEPOT U.S.A., INC.

OK/HAV

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA
ROBERT KURT SCHERER,

Plaintiff,

HOME DEPOT U.S.A., INC., KRAUSE,
and DOES 1-100,

Defendants.

No. CIV.S. -04-0109 DFL GGH

STIPULATION TO CONTINUE THE
HEARING ON DEFENDANT HOME
DEPOT U.S.A., INC.'S MOTION
REQUESTING LEAVE TO AMEND
ANSWER TO FILE A CROSS-CLAIM

Complaint Filed: January 15, 2004
Trial Date: January 23, 2006

The parties Home Depot U.S.A., Inc. ("Home Depot") and Krause, Inc.
("Krause") by and through their counsel of record hereby agree and so stipulate to
continue the hearing date on Home Depot's Motion Requesting Leave to Amend Its
Answer to File a Cross-Claim against Krause to July 13, 2005 at 10 a.m.

The parties further agree, including counsel for Plaintiff Robert Kurt Scherer,
that the parties will not file a motion to continue the trial date currently calendared for
January 26, 2006 based on the above stipulated continuance of the hearing on Home
Depot's Motion Requesting Leave to Amend Its Answer to File a Cross-Claim against
Krause.

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2 Though counsel for Plaintiff Robert Kurt Scherer is not a party to this stipulation,
3 she was advised by counsel for Home Depot of this continuance of the hearing date.

4 IT IS SO STIPULATED.

5 DATED: May 23, 2005

BURNHAM BROWN

6
7 /s/

8 By _____
9 ALLYSON E. COOK
Attorneys for Defendant
1 HOME DEPOT U.S.A., INC.

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1 DATED: May 23, 2005

SHEPARD & HAVEN, LLP

2 /s/

3 By _____
4 RONALD R. HAVEN
Attorneys for Defendant KRAUSE, INC.

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6 IT IS SO ORDERED.

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8 DATE: 5/25/2005

9
10 /s/ David F. Levi
HON. DAVID F. LEVI
DISTRICT COURT JUDGE

11 699558